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Attorneys for Plaintiff,

**UNITED STATES DISTRICT COURT,  
DISTRICT OF ARIZONA**

DONNA BLAKE,	)	<b>Case No.:</b>
	)	
Plaintiff,	)	<b>COMPLAINT AND DEMAND FOR</b>
	)	<b>JURY TRIAL</b>
v.	)	
	)	<b>(Unlawful Debt Collection Practices)</b>
ER SOLUTIONS, INC.,	)	
	)	
Defendant.	)	

**PLAINTIFF'S COMPLAINT**

DONNA BLAKE, through her attorneys, KROHN & MOSS, LTD., alleges the following  
against ER SOLUTIONS, INC.:

**INTRODUCTION**

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15  
U.S.C. 1692 et seq. (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such  
actions may be brought and heard before "any appropriate United States district court  
without regard to the amount in controversy."
3. Defendant conducts business in the state of California, and therefore, personal  
jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

1 5. Declaratory relief is available pursuant to 28 *U.S.C.* 2201 and 2202.

2 **PARTIES**

3 6. Plaintiff is a natural person residing in the city of Tucson, county of Pima, state of  
4 Arizona.

5 7. Plaintiff is a consumer as that term is defined by 15 *U.S.C.* 1692a(3), and according to  
6 Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 *U.S.C.* 1692a(5).

7 8. Defendant is a debt collector as that term is defined by 15 *U.S.C.* 1692a(6), and sought  
8 to collect a consumer debt from Plaintiff.

9 9. Defendant is a national collection agency and conducts business in Arizona.

10 10. Defendant acted through its agents, employees, officers, members, directors, heirs,  
11 successors, assigns, principals, trustees, sureties, subrogees, representatives, and  
12 insurers.

13 **FACTUAL ALLEGATIONS**

14 11. Defendant constantly and continuously places collection calls to Plaintiff seeking and  
15 demanding payment for an alleged debt.

16 12. Defendant calls Plaintiff and hung up the phone.

17 13. Plaintiff sent Defendant a cease and desist letter.

18 14. Defendant continued to call Plaintiff after receiving cease and desist letter.

19 15. Defendant refused to send Plaintiff debt validation letter.

20 16. Defendant was hostile with Plaintiff.

21 17. Defendant threatened Plaintiff with lawsuit.

22 **COUNT I**  
23 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

24 18. Defendant violated the FDCPA based on the following:

25 a. Defendant violated §1692c(c) of the FDCPA by communicating with Plaintiff

1 after written notification that consumer wants collector to cease communication.

2 b. Defendant violated §1692d of the FDCPA by conducting in a nature with the  
3 natural consequences of which to harass, oppress, or abuse any person.

4 c. Defendant violated §1692d(2) of the FDCPA by using profane or abusive  
5 language.

6 d. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's  
7 telephone to ring repeatedly and continuously with the intent to annoy, abuse,  
8 and harass Plaintiff.

9 e. Defendant violated §1692e of the FDCPA by using other false, deceptive, or  
10 misleading representation or means in connection with the debt collection.

11 f. Defendant violated §1692e(5) of the FDCPA threatening to take legal action  
12 against Plaintiff even though Defendant did not intend to take such action.

13 19. As a direct and proximate result of one or more or all of the statutory violations above  
14 Plaintiff has suffered emotional distress (see Exhibit B).

15 WHEREFORE, Plaintiff, DONNA BLAKE, respectfully requests judgment be entered against  
16 Defendant, ER SOLUTIONS, INC., for the following:

17 20. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection  
18 Practices Act,

19 21. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

20 22. Actual damages,

21 23. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,  
22 *15 U.S.C. 1692k*

23 24. Any other relief that this Honorable Court deems appropriate.

24 **DEMAND FOR JURY TRIAL**

25 Plaintiff, DONNA BLAKE, demands a jury trial in this cause of action.

1 RESPECTFULLY SUBMITTED,

2 DATED: August 12, 2009

KROHN & MOSS, LTD.

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4 By: \_\_\_\_\_

5 Ryan Lee  
6 Attorney for Plaintiff  
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**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF ARIZONA

Plaintiff, DONNA BLAKE, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DONNA BLAKE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: \_\_\_\_\_

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DONNA BLAKE

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**EXHIBIT A**

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**EXHIBIT B**